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IN THE CIRCUIT COURT OF THE STATE OF OREGON  
FOR THE COUNTY OF JACKSON

ROGUE VALLEY PEPPER SHAKERS, an  
unincorporated association; STABBIN'  
WAGON, a nonprofit public benefit  
corporation; and MELISSA JONES, an  
individual,

Plaintiffs,

v.

CITY OF MEDFORD, a municipal  
corporation,

Defendant.

CASE NO. 24CV39962

**COMPLAINT FOR DECLARATORY AND  
INJUNCTIVE RELIEF**

NOT SUBJECT TO MANDATORY  
ARBITRATION

Filing Fee: \$281 (ORS 21.135(1), (2)(f))

**INTRODUCTION**

1.

Police surveillance of protected political activities is not only unlawful; it is incompatible with life in a free society. The violation of democratic principles is all the greater when police target civilians for surveillance based on the content of their speech and protest activity. The Medford Police Department is doing precisely that—namely, illegally spying on civilians engaging in peaceful, constitutionally protected speech and protest activities. This lawsuit asks the Court to put a stop to Medford’s unlawful conduct and to uphold Oregon law and the democratic principles and rights it seeks to protect.

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2.

This case arises out of the Medford Police Department’s rampant violation of ORS 181A.250—an Oregon statute that specifically prohibits police from collecting and maintaining information on political and social activities and associations—and the democratic principles it codifies in Oregon law. Plaintiffs seek to vindicate those principles and enforce Oregon law by putting an end to the City of Medford’s illegal, long-running and widespread campaign of surveillance.

3.

Documents show the Medford Police Department has systematically violated ORS 181A.250 by targeting civilian activists, advocates, and grassroots organizations—including Plaintiffs and like-minded people and groups throughout the Rogue Valley—for covert surveillance and monitoring, outside of any criminal investigation, and based upon the content of their protected political activities.

4.

While the City’s violations of this anti-surveillance law involve modern technologies and platforms—including monitoring social media accounts—they have a long history in Oregon policing.

5.

When the Oregon Legislature adopted ORS 181A.250, it unequivocally sought to put an end to law enforcement’s collection of intelligence on protected political associations, speech, and protest activities. But in clear violation of Oregon law and Medford’s own policies, MPD has not only continued these illegal practices but also modernized them; while police in the 1960s maintained paper dossiers on progressive political groups, MPD now engages in the systematic, on-demand collection and maintenance of digital dossiers

1 from civilian social media accounts and other internet sources without any legitimate  
2 criminal investigative purpose whatsoever.

3 6.

4 Simply put, MPD is abusing its power to spy on activists whose views it dislikes—  
5 and, not only that, building and maintaining files about such people and organizations  
6 without any justifiable law enforcement purpose, a blatant violation of Oregon law.

7 7.

8 The Court's intervention is necessary to declare MPD's surveillance activities  
9 unlawful and to put a stop to them—once and for all.

10 **THE PARTIES**

11 8.

12 Plaintiff Rogue Valley Pepper Shakers is an Oregon unincorporated association that  
13 advocates for queer people, unhoused people, and other groups who are similarly  
14 marginalized in Southern Oregon. Rogue Valley Pepper Shakers has its principal place of  
15 business in Jackson County, Oregon. Documents show MPD collects and maintains  
16 information about Rogue Valley Pepper Shakers' associations and activities in violation of  
17 ORS 181A.250.

18 9.

19 Plaintiff Stabbin' Wagon is an Oregon nonprofit corporation engaged in providing  
20 harm reduction and overdose prevention supplies and services to people in Southern  
21 Oregon and advocating for the rights of unhoused residents in Jackson County. Stabbin'  
22 Wagon has its principal place of business in Jackson County, Oregon. Documents show  
23 MPD collects and maintains information about Stabbin' Wagon's associations and activities  
24 in violation of ORS 181A.250.

1 10.

2 Plaintiff Melissa Jones is a community advocate and former Executive Director of  
3 Stabbin' Wagon. At all times relevant, Jones resided in Jackson County, Oregon.  
4 Documents show MPD collects and maintains information about Jones's associations and  
5 activities in violation of ORS 181A.250.

6 11.

7 Defendant City of Medford (the "City") is an Oregon municipal corporation. MPD is  
8 a department of the City of Medford. The City and MPD have a principal place of business  
9 in Jackson County, Oregon, and this suit arises out of their unlawful activities in Jackson  
10 County.

11 **FACTUAL ALLEGATIONS**

12 **A. Oregon Law Prohibits Police Surveillance of Political Activities.**

13 12.

14 Like the rest of the country, Oregon history is rife with examples of law enforcement  
15 agencies using their power to monitor, silence and criminalize the protected speech of those  
16 whose views they disagree with or find distasteful, unorthodox, or politically inconvenient.

17 13.

18 For most of the 20<sup>th</sup> century, the Portland Police Bureau ("PPB") maintained files on  
19 the political activities and associations of unpopular, controversial and marginalized people  
20 and groups. Like similar units in other large cities around the country, PPB's intelligence-  
21 gathering operation was housed in a secretive unit known as a "Red Squad" which  
22 monitored and targeted the constitutionally protected speech and protest activities of  
23 people and groups whose viewpoints challenged prevailing political and social norms.

24 14.

25 PPB collected and maintained files on members of disfavored political parties;  
26 monitored, took surveillance photographs, and even infiltrated constitutionally protected

1 protests, speeches, and meetings; ran criminal background checks and created “intelligence  
2 reports” on people and groups based solely on their political or social views; and  
3 maintained detailed files on those groups, their members, their views and their associations.  
4 PPB even maintained a file on the American Civil Liberties Union (“ACLU”), an  
5 organization dedicated to protecting the very civil liberties PPB was violating.

6 15.

7 But unlike most of the country, in the early 1980s, the Oregon Legislature—at the  
8 urging of the ACLU, and over the strenuous objection of law enforcement officials  
9 including Oregon’s then-Attorney General—chose to address law enforcement’s abuses of  
10 power by passing a law specifically prohibiting police from collecting or maintaining  
11 information about a person or group’s political, religious, or social views, associations or  
12 activities. The resulting statute is now codified as ORS 181A.250.

13 16.

14 Oregon Revised Statute 181A.250 identifies “Specific information not to be collected  
15 or maintained” by law enforcement, stating in full:

16 No law enforcement agency, as defined in ORS 181A.010 (Definitions for  
17 ORS 181A.010 to 181A.350), may collect or maintain information about the  
18 political, religious or social views, associations or activities of any  
19 individual, group, association, organization, corporation, business or  
20 partnership unless such information directly relates to an investigation of  
21 criminal activities, and there are reasonable grounds to suspect the subject  
22 of the information is or may be involved in criminal conduct.

23 17.

24 In recognition of the requirements of ORS 181A.250, MPD’s Policy Manual—like  
25 many such manuals throughout the state—now expressly prohibits the collection or  
26

1 maintenance of information in violation of the statute.<sup>1</sup>

2 18.

3 In practice, however, MPD routinely violates ORS 181A.250 and its own policies.  
4 Indeed, MPD engages in many of the same tactics that the Legislature specifically intended  
5 to prohibit when it adopted that statute. Even worse, the City endorses this practice of  
6 violating its own policy and Oregon law.

7 **B. The City Has a Longstanding Practice of Surveilling Progressive Groups.**

8 19.

9 Documents show that for years, the City, through MPD, has engaged in the unlawful  
10 surveillance of progressive individuals and groups advocating for such causes as racial  
11 justice, LGBTQ rights, reproductive rights, housing justice, harm reduction,  
12 decriminalization, government transparency, and protection of the environment.<sup>2</sup> While  
13 law enforcement in an earlier era relied on paper files and hard-copy photographs, the rise  
14 of social media has allowed MPD to supercharge its surveillance. Public records  
15 demonstrate MPD's surveillance of Plaintiffs is only the latest episode in a lengthy history  
16 of surveillance of progressive-minded groups and people in the Rogue Valley.

17 20.

18 MPD's conduct in relation to several significant moments of progressive activism  
19 over the past several years demonstrates that MPD's surveillance of Plaintiffs is no accident,  
20 but rather is as intentional as it is widespread.

21 \_\_\_\_\_  
22 <sup>1</sup> See Medford Police Department, *Medford Police Department Policy Manual*, at 473, available  
23 at [https://www.medfordoregon.gov/files/assets/public/v/1/police/documents/mpd-policy-](https://www.medfordoregon.gov/files/assets/public/v/1/police/documents/mpd-policy-manual_2.pdf)  
[manual\\_2.pdf](https://www.medfordoregon.gov/files/assets/public/v/1/police/documents/mpd-policy-manual_2.pdf).

24 <sup>2</sup> Natasha Lennard, *Oregon Police Obsessively Spied on Activists for Years, Even After Pipeline*  
25 *Fight Ended*, THE INTERCEPT (Nov. 8, 2023), available at  
26 <https://theintercept.com/2023/11/08/oregon-police-surveillance-protests-activists/>;  
27 *Information for Public Use, Records Show Illegal Local and Federal Police Surveillance in*  
*Southern Oregon* (Nov. 2023), available at [https://info4publicuse.org/2023/11/illegal-spying-](https://info4publicuse.org/2023/11/illegal-spying-medford-police/)  
[medford-police/](https://info4publicuse.org/2023/11/illegal-spying-medford-police/).



1 she assumed Fisher knew about a “drive-in movie that is happening Friday at the YMCA  
2 that’s part of Juneteenth.”

3 25.

4 In addition, Reynolds stated that she had been “doing [her] own sneaking” to try to  
5 determine how progressive groups intended to commemorate Juneteenth—clearly meaning  
6 that Reynolds herself had also been collecting information from those groups’ social media  
7 accounts.

8 26.

9 In tasking Fisher with monitoring progressive groups’ plans for Juneteenth (that is,  
10 June 19, 2020), MPD Detective Reynolds said she assumed that Fisher knew about the “Rise  
11 and Resist Southern Oregon Facebook page and are a member.” Fisher confirmed that she  
12 was a member of that group, meaning that Fisher had infiltrated a progressive group’s  
13 social media account for the express purpose of engaging in unlawful monitoring.

14 27.

15 Seeking “Intel” on progressive groups’ plans to celebrate Juneteenth unquestionably  
16 constitutes the unlawful collection of information based on a group’s political or social  
17 views.

18 28.

19 As another example, in February 2021, with Chauvin’s murder trial approaching,  
20 MPD Sergeant Jason Antley, a senior MPD officer and head of the department’s “Livability  
21 Team,” directed further monitoring of activists’ activities. Antley expressed his opinion that  
22 Chauvin and the three other officers involved in Floyd’s murder “will be acquitted of the  
23 murder charges and if they are convicted of anything at all, it will be some lesser form like  
24 manslaughter II or criminally negligent homicide,” and that this was “likely to spark  
25 another large scale set of protests. ” He tasked Fisher to “do some digging around on social  
26 media to see if anyone else is talking about this.”



1 29.

2 In response, Fisher reported on her monitoring of social media platforms, noting that  
3 “the major platforms I have been monitoring include Reddit, Facebook, Twitter, Instagram  
4 and TikTok.”

5 30.

6 Fisher specifically reported that she had been monitoring the social media accounts  
7 of “our local activists,” and reported that she “still follow[ed] the BLM groups that were  
8 prevalent last year (BLM ABC's, Rebels for Justice, Rise and Resist, BLM Southern Oregon,  
9 Rogue Free Press etc.) and the key participants. Some of the trending topics from our local  
10 groups include mask wearing (or lack thereof) by any LE official, resources for the  
11 houseless community, local LE harassing the houseless community, CAHOOTS etc.).”

12 31.

13 Evidencing the depth of MPD’s unlawful monitoring efforts, Fisher further reported  
14 on her views regarding internal dynamics between these progressive groups, opining that  
15 “[o]ver the past few months the SOEquity group has evolved and taken a leadership role  
16 amongst the groups in our community. They partnered with Justin Rosas<sup>3</sup> to hold a press  
17 conference surrounding the Ellison case, recruited volunteer’s to help with the Hawthorne  
18 Park Aid station, took over the storage unit Clarence Carr and friends had filled with  
19 donations, and seem to have gained a lot of popularity amongst the groups we have been  
20 monitoring.”

21 32.

22 Fisher reported that she was “monitor[ing] social media on a daily basis and will  
23 look out for any local mention of the trial and planned civil unrest.” Indeed, as the Chauvin  
24 trial neared, she reported that it was “being talked about across many different social media  
25

26 \_\_\_\_\_  
27 <sup>3</sup> Justin Rosas is a criminal defense and civil rights attorney in Jackson County and a current  
28 member of the ACLU of Oregon Lawyers Committee.

1 platforms” but that “[o]ur local group has not recently made mention of it,” judging that  
2 “[o]ur known BLM/ protest group is currently fixated on COVID in the jail and LE wearing  
3 (or not wearing ) masks. They have been frequently making calls/complaints to OSHA.”

4 **2. Medford Police Targeted Reproductive Rights Groups for**  
5 **Surveillance In Anticipation of the Supreme Court Overturning the**  
6 **Constitutional Right to Abortion**

7 33.

8 In May 2022, the nation awaited the Supreme Court’s forthcoming decision in *Dobbs*  
9 *v. Jackson Women’s Health Organization*, a case regarding the constitutionality of a Mississippi  
10 law that banned most abortions after 15 weeks of pregnancy, which many feared—  
11 correctly—could result in the overturning of the federal constitutional right to abortion that  
12 had been confirmed in *Roe v. Wade* and upheld in subsequent cases over some 50 years.

13 34.

14 In early May, media outlets obtained a leaked copy of the Court’s draft opinion in  
15 *Dobbs*, which would have overruled *Roe* and repudiated any federal constitutional right to  
16 abortion, precisely as feared.

17 35.

18 In keeping with its general approach towards progressive political activism, MPD  
19 responded to the leak of the *Dobbs* opinion by immediately activating its surveillance tools  
20 to monitor protected First Amendment protest activities in clear violation of Oregon law.

21 36.

22 In particular, on May 3, 2022, MPD’s Deputy Chief of Operations, DJ Graham, tasked  
23 MPD analysts Emmily Greb and Michaela Thomas to “let me know if you hear any protest  
24 chatter associated with the possible overturning of *Roe v Wade*.”

25 37.

26 In response, MPD analysts promptly collected information regarding progressive  
27

1 activists' plans to hold a protest called "Bans OFF Our Bodies" protesting the Supreme  
2 Court's apparent intention to end the longstanding federal constitutional right to abortion.

3 38.

4 The Bans OFF Our Bodies protest constituted a clearly and obviously protected First  
5 Amendment political speech and protest activity. As the event planners said, the purpose of  
6 the event—which would be held in a public plaza—was to "[d]emand that our elected  
7 officials take action before SCOTUS overturns Roe. Bring your families, your stories[,] your  
8 heart and your commitment to safe and legal abortion for all who need it."

9 39.

10 But in keeping with its standard unlawful practice, MPD collected information on  
11 who (and how many) planned to attend the Bans OFF Our Bodies event, who was  
12 organizing the event, and what other events those activists had organized and attended.  
13 MPD also escalated its surveillance to new levels. In particular, in addition to its monitoring  
14 of social media, MPD also monitored a video feed from cameras at Vogel Plaza, where the  
15 protest event was held, in another clear violation of Oregon law prohibiting the collection or  
16 maintenance of such information.

17 **C. Medford Police Department Targeted Plaintiffs for Surveillance Due to**  
18 **Plaintiffs' Abolitionist Views and Law Enforcement Accountability**  
19 **Activities**

20 40.

21 The City's intentional surveillance of progressive activists and groups has swept up  
22 Plaintiffs, too.

23 **1. Rogue Valley Pepper Shakers**

24 41.

25 Rogue Valley Pepper Shakers is a non-profit organization active in organizing for  
26 and supporting LGBTQIA2S+ rights, reproductive justice, and housing and rights for

1 unhoused residents in Southern Oregon. Their goal is to counter bigotry in all its forms  
2 throughout the Rogue Valley and Oregon. The organization is also vocal in calling public  
3 attention to law enforcement misconduct, corruption, and violence in the Rogue Valley,  
4 including by MPD.

5 42.

6 Public records show MPD maintains a dossier of Rogue Valley Pepper Shakers'  
7 political activity and affiliations spanning several years. The dossier contains evidence  
8 showing MPD collects, and then maintains, information about Rogue Valley Pepper  
9 Shaker's protected political activity including:

- 10 a. A screenshot of a December 30, 2020, Facebook post showing multiple  
11 photographs of images saved to a Facebook photo album posted by Rogue  
12 Valley Pepper Shakers concerning religious-based anti-abortion advocacy in  
13 Jackson County.
- 14 b. A screenshot of a February 17, 2021, Facebook post by Rogue Valley Pepper  
15 Shakers announcing the non-profit had achieved 40,000 social media  
16 followers, listing the first and last names of individual "bigots" in the  
17 community it wished to thank for helping it achieve success, and providing a  
18 link to the organization's TikTok account.
- 19 c. A screenshot of a December 26, 2021, Facebook post by Rogue Valley Pepper  
20 Shakers in which the group "wishes everyone a Happy Holidays – and  
21 remember to protect your local clinics!" states "Love thy neighbor this holiday  
22 season" and that "pastor Brett White . . . loves to yell at women outside of  
23 [abortion] clinics" with a photograph of Rogue Valley Pepper Shaker  
24 members in holiday attire standing near a First Baptist Church sign with pride  
25 flags and a hand-written sign reading "I DON'T CARE WHAT THE BIBLE  
26 SAYS."

1 d. A screenshot of a June 24, 2022, social medial post by Rogue Valley Pepper  
2 Shakers announcing a reproductive rights demonstration in response to the  
3 United States Supreme Court ruling in *Dobbs v. Jackson Women’s Health*  
4 *Organization* (2022) overturning the abortion protections long recognized  
5 under *Roe v. Wade* (1973) and *Planned Parenthood v. Casey* (1992), stating “Join  
6 us at Vogel Plaza in downtown Medford at 6:00 tonight. Bring signs, your  
7 rage, and all your friends.” MPD emails show the police were monitoring  
8 “personal pages” and “the group’s Instagram page as well.” MPD noted that  
9 despite tracking the event being shared “99 times across personal pages and  
10 some groups, it had identified “only one” concerning comment by someone  
11 with “limited priors.” The email also specifically mentioned that “Melissa  
12 Jones has posted that she will be there and shared the details about the event  
13 on each of the groups she is associated with.”

14 43.

15 Nothing in the above posts relates to any criminal activity by or legitimate criminal  
16 investigation regarding the Rogue Valley Pepper Shakers or its members.

17 44.

18 Rather, the common denominator among the images MPD captured and stored is  
19 that they relate to Rogue Valley Pepper Shakers’ provocative but constitutionally protected  
20 political activity, viewpoints, and associations with respect to its LGBTQIA2S+ and  
21 reproductive rights advocacy – protected activity under the First Amendment and ORS  
22 181A.250.

23 **2. Stabbin’ Wagon and Melissa Jones**

24 45.

25 Plaintiff Stabbin’ Wagon provides and advocates for harm reduction services  
26 including the distribution of clean syringes, overdose prevention medication, and  
27

1 contraceptives. It also operates a peer-run crisis respite and alternative to psychiatric  
2 hospitalization facility in Jackson County. In conjunction with the services it provides,  
3 Stabbin' Wagon vocally advocates for harm reduction, housing rights, and social justice  
4 causes in the Rogue Valley. Stabbin' Wagon frequently engages in recording and publishing  
5 law enforcement interactions with Stabbin' Wagon clients and the public in online social  
6 media posts. Stabbin' Wagon as an organization has a policy and practice of not aiding or  
7 working with law enforcement.

8 46.

9 Plaintiff Melissa Jones is an activist and community organizer in Southern Oregon  
10 supporting housing and rights for homeless people, reproductive rights, LGBTQIA2S+  
11 rights, psychiatric rights, and ending overdoses. She works to address racist and classist  
12 issues within the war on drugs by advocating for decriminalization, safe supply and safe  
13 consumption sites, and social justice work through an equity, equality, and abolition lens.  
14 Jones was the founder of non-profit Stabbin' Wagon, which provides harm reduction and  
15 outreach services to at-risk and unhoused residents in Jackson County. Jones has been  
16 active in filming law enforcement misconduct and calling public attention to police abuse of  
17 vulnerable and unhoused residents in Jackson County.

18 47.

19 Public records show MPD maintains a dossier of Stabbin' Wagon and Jones' political  
20 activity and affiliations spanning several years. The dossier contains evidence showing  
21 MPD collects, and then maintains, information about Stabbin' Wagon and Jones' protected  
22 political activity including:

- 23 a. A March 4, 2021 email from MPD's Divya Fisher to D.J. Graham regarding an  
24 upcoming protest "scheduled to occur" "in response to the COVID outbreak  
25 at the jail." Disturbingly, Fisher somehow knew that "This event is not being  
26 advertised on social media (or other public channels) and is being shared

1 solely via direct message.” The email specifically identifies Jones as a “known  
2 protest player[.]” and that she, along with others, “frequently post calls to  
3 action and were very vocal about their displeasure about MPD’s involvement  
4 [sic] during the Hawthorne Park encampment.” Fisher confirms she is  
5 monitoring social media including the “local BLM/ protest pages” and “will  
6 scan other social media platforms and see if there is any mention of this  
7 event[.]” Graham forwarded the email to MPD’s Sgt. Venables and others.  
8 Fisher later responds she went so far as to “check[] a variety of social media  
9 platforms” and “contacted the FBI to see if there is something I am missing”  
10 but none of these efforts yielded any evidence of criminal activity. Graham  
11 notes MPD also reached out to the FUSION Center seeking information, but  
12 found nothing. He reiterates MPD’s belief that Jones is affiliated with Siskiyou  
13 Abolition Project.

- 14 b. A May 11, 2021, email by Mayor Randy Sparacino, former MPD Police Chief,  
15 to MDP’s Scott Clauson containing the Jefferson Public Radio article “As  
16 Encampment Evictions Begin in Medford, Where Are People Supposed to  
17 Go?” quoting Melissa Jones talking on behalf of Stabbin’ Wagon about police  
18 raiding homeless camps and mentioning Siskiyou Street News and Rise &  
19 Resist Southern Oregon engaging in outreach and fundraising to address  
20 homelessness. The email from Sparacino tells Clauson he “wanted you to be  
21 aware of what they’re saying.”
- 22 c. A June 16, 2022, action plan against a “Rave against Rogue Retreat” event.  
23 MPD noted that “Melissa Jones is the organizer of the event” and that  
24 according to MPD Crime Analysts, the “Source of information is on Facebook  
25 and Instagram.” MPD stated the “event will be monitored by social media.”  
26 MPD Sgt. Venables was listed as second in command charged with

1 responding to the event, including “Trespassing and/or Disorderly Conduct at  
2 the City Hall” “as needed.”

3 d. A June 24, 2022, email in which MPD admits to monitoring Jones’ social media  
4 accounts relating to her attendance at a reproductive rights demonstration,  
5 specifically mentioning that Jones had shared details about the event with  
6 “each of the groups she is associated with.”

7 e. Emails from 2023 in response to Stabbin’ Wagon being awarded a \$1.5 million  
8 grant from the Oregon Health Authority to open a peer respite in Southern  
9 Oregon, including MPD Police Chief Justin Ivens and Deputy Police Chief  
10 Trevor Arnold collecting and distributing links and commentary on news  
11 articles, quotes, and information about Stabbin’ Wagon and Jones’ activities to  
12 other officers and community leaders to incite outrage over Stabbin’ Wagon  
13 receiving the grant, calling it “unbelievable” and falsely alleging to other non-  
14 profit leaders that Stabbin’ Wagon receiving grant funding would “cause  
15 more destruction.” Ivens sent the information to MPD Livability Team  
16 (“LVT”) Sgt. Geoffrey Kirkpatrick with the sarcastic comment “Great news.”  
17 Kirkpatrick responded, “I have no words.” The emails were the subject of  
18 public interest in local and national reporting.<sup>4</sup> Stabbin’ Wagon and Jones

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19  
20 <sup>4</sup> Jane Vaughan, *Medford-based harm reduction group on track to receive \$1.5 million OHA*  
21 *grant*, OPB (Sept. 7, 2023), available at [https://www.opb.org/article/2023/09/07/harm-](https://www.opb.org/article/2023/09/07/harm-reduction-medford-stabbin-wagon/)  
22 *reduction-medford-stabbin-wagon/*; Jake Thomas, *Facing backlash over \$1.5 million state*  
23 *grant, Stabbin’ Wagon speaks out*, THE LUND REPORT (Sept. 12, 2023), available at  
24 [https://www.thelundreport.org/content/facing-](https://www.thelundreport.org/content/facing-backlash-over-15-million-state-grant-stabbin-wagon-speaks-out)  
25 *backlash-over-15-million-state-grant-*  
26 *stabbin-wagon-speaks-out*; Jamie Lusch, *Stabbin Wagon’s \$1.5 million grant raises*  
27 *questions, emails show*, ROGUE VALLEY TIMES (Sept. 13, 2023), available at [https://www.rv-](https://www.rv-times.com/localstate/stabbin-wagons-1-5-million-grant-raises-questions-emails-show/article_f372c4e4-5181-11ee-99b6-63eccc2cae8b.html)  
28 *times.com/localstate/stabbin-wagons-1-5-million-grant-raises-questions-emails-*  
*show/article\_f372c4e4-5181-11ee-99b6-63eccc2cae8b.html*; Tammy Kim, *A Drug*  
*Decriminalization Fight Erupts in Oregon*, THE NEW YORKER (Jan. 15, 2024), available at  
<https://www.newyorker.com/magazine/2024/01/22/a-new-drug-war-in-oregon>; Justin  
Higginbottom, *Stabbin’ Wagon planning to sue City of Medford and police for alleged*  
*misconduct*, JEFFERSON PUBLIC RADIO (Jan. 30, 2024), available at <https://www.ijpr.org/law->

(Cont’d on next page)



1 only became aware of the monitoring activity by MPD in late 2023 following  
2 public records requests and news articles.

3 48.

4 Nothing in the above documents relates to any criminal activity by or legitimate  
5 criminal investigation regarding Stabbin' Wagon or Jones.

6 49.

7 Rather, the common denominator among the information MPD collected and stored  
8 is that they relate Stabbin' Wagon and Jones' provocative but constitutionally protected  
9 political activity, viewpoints, and associations with respect to their decriminalization,  
10 housing rights, LGBTQIA2S+ and reproductive rights advocacy – protected activity under  
11 the First Amendment and ORS 181A.250.

12 50.

13 Former MPD Sgt. Tom Venables confirmed to Jones in writing that MPD was spying  
14 on her out of malicious "bias" against Jones for her Stabbin' Wagon activity and activism.

15 51.

16 Venables had previously been a member of the MPD Livability Team, also known as  
17 the LVT, a task force that focuses on contact with unhoused residents in Medford. MPD Sgt.  
18 Geoffrey Kirkpatrick had also served as the lead of the Livability Team. While serving on  
19 the LVT, Kirkpatrick was hostile and displayed animosity toward Jones, Stabbin' Wagon,  
20 and other housing rights activists who often video recorded Kirkpatrick and MPD officers  
21 engaging in misconduct and then posted the videos with commentary on social media. In  
22 one such video recorded July 29, 2021, Kirkpatrick is shown berating an activist for  
23 recording him during a camp sweep, then when the activist states he is going to call his

24 \_\_\_\_\_  
25 and-justice/2024-01-30/stabbin-wagon-planning-to-sue-city-of-medford-and-police-for-  
26 alleged-misconduct; POLICE AND CITY OF MEDFORD COLLUDE TO DEFUND  
27 HARM REDUCTION NONPROFIT, INFORMATION FOR  
28 PUBLIC USE (2023), available at <https://info4publicuse.org/2023/10/defund-medford-harm-reduction/>.

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1 attorney, Kirkpatrick threatens “If you’re not gone by Thursday morning I’m going to put  
2 handcuffs on you.”

3 52.

4 On January 8, 2023, Venables contacted Jones via Facebook Messenger. During the  
5 instant message exchange, Venables wrote to Jones “I have a conversation between  
6 Kirkpatrick and I you’d be interested in.” He continued “I’m not claiming to be an innocent  
7 party in this, but the ‘leader’ of the LVT definitely has a bias towards you.” Venables said  
8 “since I’m not a police officer any longer and I share in the Kirkpatrick is a prick movement  
9 I wanted to show you what he was circulating.”

10 53.

11 When Jones asked what Kirkpatrick was circulating, Venables declined to answer.

12 54.

13 Venables deleted the parts of his message chain to Jones that specifically mentioned  
14 Kirkpatrick, but by then Jones had already taken screenshots of the full conversation.

15 55.

16 Venables also publicly confirmed that MPD monitors social media accounts of  
17 activists. In late 2023, apparently disagreeing with MPD’s targeting and surveillance of non-  
18 violent activists, Venables commented on a Facebook post in the Jackson County Scanner  
19 Group page, stating “Ryan Mallory What do you think about PD creating fake profiles to  
20 ‘monitor’ the activity? Does that change your view?”

21 56.

22 By 2023, records show MPD was paying an analyst to continuously monitor and  
23 maintain records about activists’ social media and political activity in Jackson County,  
24 despite such individuals and organizations having no connection to criminal activity nor  
25 being connected to any criminal investigation.  
26



1 60.

2 In fact, there is no “public safety interest” exception in ORS 181A.250 or elsewhere in  
3 Oregon law that would allow MPD to collect or maintain information in violation of that  
4 statute. Indeed, allowing MPD to collect information based on an unarticulated, generalized  
5 “public safety interest” would violate the plain language and eviscerate the core purpose of  
6 ORS 181A.250, which allows the collection of such information only if it directly relates to  
7 an investigation of criminal activities and there are reasonable grounds to suspect the  
8 subject of the information is or may be involved in criminal conduct.

9 61.

10 The City’s surveillance activities are clearly unlawful under ORS 181A.250. Yet the  
11 City has expressly confirmed it believes they are lawful—and has confirmed such activities  
12 are ongoing. Accordingly, the Court’s intervention is necessary.

13 **FIRST CLAIM FOR RELIEF**

14 **UNLAWFUL POLICE SURVEILLANCE**

15 **DECLARATORY AND INJUNCTIVE RELIEF—ORS 28.010 ET SEQ. AND ORS 181A.250**

16 62.

17 Plaintiffs reallege and incorporate by reference paragraphs 1 to 61 above.

18 63.

19 MPD is a “law enforcement agency” as that term is defined by ORS 181A.010 and a  
20 department of the City.

21 64.

22 As a law enforcement agency, MPD is prohibited under ORS 181A.250 from  
23 “collect[ing] or maintain[ing] information about the political, religious or social views,  
24 associations, or activities of any individual, group, association, organization, corporation,  
25 business or partnership unless such information directly relates to an investigation of  
26

1 criminal activities, and there are reasonable grounds to suspect the subject of the  
2 information is or may be involved in criminal conduct.”

3 65.

4 Through MPD, the City is engaged in the unlawful, widespread collection of  
5 information relating to each of Plaintiffs’ political and social views, associations and  
6 activities in violation of ORS 181A.250.

7 66.

8 Through MPD, the City is further engaged in the unlawful, widespread maintenance  
9 of information relating to each of Plaintiffs’ political and social views, associations and  
10 activities in violation of ORS 181A.250.

11 67.

12 The information collected and maintained by MPD does not directly relate to any  
13 investigation of criminal activities in which there is reasonable suspicion to suspect that any  
14 of Plaintiffs are involved in criminal conduct, but instead amounts to the unlawful  
15 collection of political and social intelligence information relating to Plaintiffs’  
16 constitutionally protected activities.

17 68.

18 Pursuant to ORS 28.010 *et seq.*, the Uniform Declaratory Judgment Act, Plaintiffs are  
19 entitled to a declaration that the City is violating ORS 181A.250 through MPD’s collection  
20 and maintenance of such information.

21 69.

22 Plaintiffs are further entitled to supplemental relief pursuant to ORS 28.080 enjoining  
23 the City, through MPD, from unlawfully collecting or maintaining any further information  
24 on Plaintiffs’ political or social views, associations, or activities.

25 //

26 //

27 PAGE 21 – COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

1           **WHEREFORE**, Plaintiffs request that the Court award the following relief:

2           1.       A declaration that the City’s collection and maintenance of information  
3 relating to Plaintiffs’ political and social views, associations and activities through MPD  
4 violates ORS 181A.250;

5           2.       Preliminary and/or permanent injunctive relief prohibiting the City, through  
6 MPD, from collecting or maintaining any further information on Plaintiffs’ political or social  
7 views, associations, or activities; and

8           3.       Such other relief as the Court deems just and proper.

9           DATED: August 20, 2024

10                                 *s/Colin Hunter*

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